IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 301 OF 2006

SHRI PRAKASH S. RAIKAR AND 6 ORS., ...Petitioners

Versus

GOA SHIPYARD LTD. AND ANR., ...Respondents

Mr. G. K. Sardessai with Mr. V.A. Lawande, Advocates for the Petitioners.
Mr. M. S. Usgaonkar, Senior Advocate with Mr. Sudesh Usgaonkar, Advocate for the Respondent No.1.
Mr. C. A. Ferreira, Assistant Solicitor General for the Respondent No.2.

Coram:- J. N. PATEL &
N. A. BRITTO, JJ.

Date:- 11th December, 2006

P.C.:-

The learned Counsel for the petitioners submits that the petitioners are required to withdraw the petition if their case is considered by the respondents sympathetically for extending the same benefit of pay scale as given to the technical and administrative staff in accordance with Justice Mohan Commission Report.

Mr. M. S. Usgaonkar, the learned Senior Counsel submits that the case of the petitioners has been considered in the past.

It is submitted on behalf of the petitioners that thereafter cases of other categories of staff have been reconsidered by the respondents. If that is so, we do not find any reason why the case of the petitioners cannot be reconsidered by the respondents who are deprived of the benefit of scale recommended by Justice Mohan Commission.

We make it clear that we have not examined the matter on merits and as rightly contended by the learned Counsel for the respondent no.1 that it involves disputed questions of fact and law as to whether the petitioners can claim parity in pay scale as they do not meet the required

parameters. Whatever it may be, we dispose of the petition with directions to the respondent no.1 to reconsider the case of the petitioners whether they will be eligible and entitled to the pay scale to which the technical and administrative staff were granted pursuant to the recommendations made by Justice Mohan Commission within two months.

The learned Counsel for the respondents submit that they will re-examine the case of the petitioners and take a decision in the matter on or before 31-3-2007.

In view of what has been recorded above, the petition stands disposed of.

J. N. PATEL, J.

N. A. BRITTO, J.

RD.